

Message Text

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ACTION HA-05

INFO OCT-01 ARA-10 IO-13 ISO-00 L-03 CIAE-00 INR-10

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P R 081210Z JUN 78

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 6001

INFO AMEMBASSY BONN

AMEMBASSY SANTIAGO

USMISSION GENEVA

C O N F I D E N T I A L SECTION 1 OF 2 BUENOS AIRES 4370

E.O. 11652: GDS

TAGS: SREF, SHUM, AR

SUBJECT: ICEM REJECTED BY GOA

REF: (A) BUENOS AIRES 4000 (B) BUENOS AIRES 3727

(C) GENEVA 8364 (D) STATE 138035 (D) SANTIAGO 4237

SUMMARY: FOREIGN MINISTRY OFFICIAL FIRMLY REJECTED ICEM PARTICIPATION IN RIGHT OF OPTION PROGRAM. GOA IS SLOWLY COMING TO GRIPS WITH THE HEAVY BURDEN OF UNCHARGED PEN DETAINEES. THE AMBASSADOR HAS HIGH-LEVEL INDICATIONS THAT SIGNIFICANT NUMBERS OF PEN CASES WILL BE RESOLVED AT AN INCREASING PACE IN THE UPCOMING MONTHS. HOW MANY RELEASES WILL BE EFFECTED THROUGH THE RIGHT OF OPTION PROCEDURE REMAINS UNCLEAR. END SUMMARY.

1. ICEM OFFICIAL ROBERTO KOZAK WAS IN BUENOS AIRES JUNE 1-3 TO DISCUSS WITH ARGENTINE OFFICIALS THE POSSIBILITY OF ICEM PARTICIPATION IN RIGHT OF OPTION PROGRAM. KOZAK, AN ARGENTINE CITIZEN, DETERMINED HE WOULD FIRST PRESENT HIMSELF TO THE FOREIGN MINISTRY AND SEE IF THE FOREIGN
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MINISTRY WOULD ARRANGE SUBSEQUENT APPOINTMENTS WITH PERTINENT INTERIOR MINISTRY OFFICIALS. (AS REPORTED IN REFTEL A, THE US PLUS EIGHT OTHER WESTERN EMBASSIES MET WITH MIN INT OFFICIAL COL. SAN ROMAN TO REQUEST ICEM PARTICIPATION. SAN ROMAN SAID THAT GOA WAS IN PRINCIPLE OPPOSED TO ICEM, BUT AGREED TO SPEAK WITH AN ICEM REPRESENTATIVE).

2. AT THE FOREIGN MINISTRY JUNE 2, KOZAK MET WITH THE STRONG-WILLED HEAD OF THE HUMAN RIGHTS WORKING GROUP MINISTER JUAN CARLOS ARLIA. ACCORDING TO KOZAK, ARLIA RECEIVED HIM GRACIOUSLY, BUT DECLARED THAT GOA WAS FIRMLY OPPOSED TO ICEM PARTICIPATION IN THE OPTION PROGRAM. ARLIA SAID THAT HE KNEW THE USG AND US EMBASSY HAD PUT KOZAK UP TO PUSHING ICEM, BUT THAT GOA HAD ALREADY INFORMED THE AMERICAN AMBASSADOR BY LETTER OF ITS DECISION AGAINST ICEM PARTICIPATION. (MININT HARGUINDEGUY'S MAY 3 LETTER TO AMBASSADOR CASTRO WAS VAGUE AND REFERRED ONLY TO THE UNHCR. ICEM WAS NOT MENTIONED IN THE LETTER. SEE REF B.) ARLIA SAID GOA'S DECISION HAD ALSO BEEN COMMUNICATED DIRECTLY TO LOCAL ICEM DIRECTOR ROMAGNOLI IN BUENOS AIRES BY A MININT DEPUTY MINISTER AND GAIN DIRECTLY TO ICEM HEADQUARTERS IN GENEVA BY ARGENTINE AMBASSADOR MARTINEZ, CURRENTLY PARTICIPATING IN TALKS AT THE ILO. GOA HAD MADE ITS NEGATIVE DECISION VERY CLEAR AND THERE SHOULD BE NO MORE REASON FOR KOZAK OR THE USG TO PUSH THE MATTER FURTHER. ARLIA THEN TOLD KOZAK HE WAS WELCOME TO DISCUSS THE ISSUE AT THE INTERIOR MINISTRY IF HE WISHED BUT THAT DECISION HAD ALREADY BEEN MADE AT THE TOP LEVELS OF GOVERNMENT AND WAS FIRM.

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3. AT SUBSEQUENT DEBRIEFING WITH EMBASSY, KOZAK DECIDED TO TRY TO SEE COL. SAN ROMAN ON HIS OWN TO INTRODUCE HIMSELF AND EXPLAIN ICEM'S ROLE AS A SERVICE ORGANIZATION. HE HAD IN HAND AN ICEM CABLE INDICATING THAT THE FEDERAL GERMAN GOVERNMENT HAD REQUESTED ICEM ASSISTANCE IN THE RESETTLEMENT OF 144 QUALIFIED OPTION CASES IN THE FRG. (SEE REF C.) KOZAK SAID HE MIGHT RAISE THE GERMAN REQUEST WITH SAN ROMAN TO SHOW HOW EUROPEAN GOVERNMENTS WERE REQUESTING ICEM ASSISTANCE AND TO MAKE THE POINT THAT ICEM WISHED TO BE HELPFUL BUT WOULD ONLY ACT WITH GOA APPROVAL. KOZAK WAS UNABLE TO ARRANGE MEETING WITH SAN ROMAN AND DEPARTED BUENOS AIRES ON JUNE 3.

4. KOZAK TOLD EMBASSY HE BELIEVED GOA POSITION WAS SUFFICIENTLY CLEAR TO PRECLUDE FURTHER ICEM APPROACHES AT PRESENT. HE SUGGESTED THAT IN THE VERY NEAR FUTURE INTERESTED WESTERN EMBASSIES SHOULD PREPARE A JOINT WRITTEN APPEAL FOR ICEM PARTICIPATION TO BE PRESENTED AT HIGHEST LEVELS OF GOVERNMENT IN ORDER TO TRY TO GET GOA TO RECONSIDER ICEM. EMBASSY AGREED TO

KEEP IN TOUCH WITH OTHER INTERESTED EMBASSIES AND JOINTLY
CONSIDER FUTURE STEPS.

5. COMMENT: FURTHER PRESSURE ON GOA REGARDING THE ICEM
QUESTION WOULD APPEAR TO BE UNADVANTAGEOUS AT THIS POINT.
EMBASSY BELIEVES THAT THE GERMAN REQUEST AND PERHAPS FUTURE
EUROPEAN APPEALS FOR ICEM ASSISTANCE MIGHT PROVIDE A FUTURE
OPENING TO REVIEW GOA'S DECISION CONCERNING ICEM. WE
STRONGLY FEEL THAT OTHER WESTERN COUNTRIES SHOULD JOIN US
AS EQUAL PARTNERS IN REOPENING THE ISSUE. EMBOFF WILL
CONTINUE PERIODICALLY TO "TAKE THE TEMPERATURE" OF GOA
SENTIMENT ON ICEM IN OUR INFORMAL TALKS
WITH GOA GOFFICIALS. WE WILL ALSO MAINTAIN

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TO SECSTATE WASHDC PRIORITY 6002
INFO AMEMBASSY BONN
AMEMBASSY SANTIAGO
USMISSION GENEVA

C O N F I D E N T I A L SECTION 2 OF 2 BUENOS AIRES 4370

CONTACTS WITH OTHER INTERESTED EMBASSIES AND SEEK TO
STREAMLINE AND COORDINATE OUR RIGHT OF OPTION INFORMATION.

6. FYI: TO DATE, RELEASES FROM PEN HAVE PROCEEDED STEADILY
BUT SLOWLY. SINCE LAST CHRISTMAS 49 PERSONS HAVE BEEN
REPORTED IN THE PRESS AS AUTHORIZED TO LEAVE THE COUNTRY
UNDER THE REVISED RIGHT OF OPTION PROCEDURES. THE AMBASSADOR
HAS RECEIVED HIGH-LEVEL INDICATIONS THAT THE PACE OF
RELEASES OF DETAINEES FROM PEN STATUS WILL INCREASE IN THE
UPCOMING MONTHS, PARTICULARLY ONCE THE WORLD CUP GAMES
ARE OVER.

7. RELEASE FROM PEN CAN TAKE SEVERAL FORMS: THE DETAINEE
CAN BE REMANDED TO THE COURTS FOR TRIAL, PLACED UNDER HOUSE
ARREST OR IN PAROLE STATUS, GRANTED AUTHORIZATION TO LEAVE
THE COUNTRY UNDER THE RIGHT OF OPTION, OR RELEASED OUTRIGHT.

AS WE CANNOT PREDICT HOW UPCOMING PEN RELEASES WILL BE EFFECTED, WE CANNOT ESTIMATE HOW MANY PERSONS MIGHT EVENTUALLY BE AUTHORIZED TO LEAVE UNDER THE RIGHT OF OPTION PROGRAM. THE MECHANISMS FOR GRANTING THE OPTION ARE CUMBERSOME AND, AS HAS BEEN REPORTED EARLIER, APPROVAL MUST BE GRANTED BY A NUMBER OF AUTHORITIES, INCLUDING CORPS COMMANDERS, WHO MAY NOT OR WILL NOT APPRECIATE THE POLITICAL
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IMPORTANCE OF RESOLVING PEN CASES.

8. HESITATION TO SYSTEMATIC RELEASES OF SIGNIFICANT NUMBERS OF PEN DETAINEES UNDER RIGHT OF OPTION DERIVE FROM A CERTAIN FEAR OF REPEATING WHAT OFFICIALS PERCEIVE AS THE ERRORS OF THE PAST, WHEN PEN DETAINEES IN 1973-1976 WERE AUTOMATICALLY GRANTED THE OPTION TO LEAVE THE COUNTRY AND MANY FILTERED BACK INTO THE SUBVERSIVE MOVEMENT IN ARGENTINA. ANOTHER REASON IS GOA'S CITED FEAR OF RELEASING PERSONS WHO THEY BELIEVE WILL JOIN IN AN OVERSEAS SMEAR CAMPAIGN AGAINST ARGENTINA. A THIRD IS A STRONG FEELING, MAINLY AMONG THOSE ENGAGED IN THE ANTI-SUBVERSIVE BATTLE, THAT THE DETAINEES WERE CAPTURED AT GREAT COST AND THEY SHOULD SIMPLY NOT BE ALLOWED TO GO FREE AS LONG AS TERRORISM EXISTS EITHER WITHIN OR OUTSIDE ARGENTINA. ONE THEORY IS THAT PEN CASES WOULD BE BEST RESOLVED WITH RELEASES OR TRANSFER OF LEGAL STATUS WITHIN ARGENTINA, SO AS NOT TO HAVE IMPRESSIONABLE AND/OR DANGEROUS RIGHT OF OPTION EXILES GROUPED ABROAD BEYOND GOA CONTROL OR VIGILANCE.

9. THERE ARE PEOPLE WITHIN THE ARGENTINE GOVERNMENT WHO BELIEVE THAT MANY OF THOSE HELD UNDER PEN WITHOUT CHARGE WERE ONLY marginally INVOLVED IN SUBVERSIVE ACTIVITIES AND SHOULD BE FREED UNCONDITIONALLY. HOW SUCCESSFUL THESE ELEMENTS WILL BE IN PERSUADING THOSE WHO HAVE THE REAL POWER TO RELEASE OR IMPRISON PERSONS UNDER PEN--THE CORPS COMMANDERS, OTHER POWERFUL MILITARY AND POLICE OFFICIALS WHO HAVE A SAY IN THE PROCESS--TO LET GO WILL DETERMINE THE SPEED WITH WHICH THE PEN CASES WILL BE RESOLVED. IN THE UPCOMING MONTHS, WE WILL BE ABLE TO SEE WHETHER THE HIGH-LEVEL ASSURANCES GIVEN THE AMBASSADOR AND THE MID-LEVEL OFFICIALS' STATED DESIRE TO FIND WAYS TO REDUCE THE PEN POPULATION IN FACT TAKE HOLD.
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10. IN THE MEANTIME, THE EMBASSY WILL CONTINUE TO

PROCESS RIGHT OF OPTION CASES ON A CASE BY CASE BASIS
AND ADD WHAT PERSUASIVE POWERS IT CAN TO STIMULATE GOA
TO COME TO GRIPS WITH ITS HEAVY BURDEN OF UNRESOLVED PEN
CASES.

11. EMBASSY PERCEIVES NO OBJECTION TO KOZAK VISIT TO
WASHINGTON (REFS D AND E) BUT OBSERVES THAT GOA HAS LEFT
LITTLE ROOM FOR MISUNDERSTANDING IN ITS PRESENT DECISION
ON ICEM.
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